

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, <i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. 2:13-CV-00193
	§	
GREG ABBOTT, <i>et al.</i> ,	§	
	§	
Defendants.	§	

JOINT MOTION FOR ENTRY OF TEMPORARY REMEDIAL ORDER

The Texas Secretary of State's office has learned that the following school districts will conduct tax ratification elections on August 27, 2016, with early voting to begin on August 10, 2016: (1) Caldwell Independent School District in Burleson County, Texas; (2) Frisco Independent School District in Denton County, Texas; (3) Aubrey Independent School District in Denton County, Texas; (4) New Waverly Independent School District in Walker County, Texas; (5) Spurger Independent School District in Tyler County, Texas; (6) Sherman Independent School District in Grayson County, Texas; (7) Mineral Wells Independent School District in Palo Pinto County, Texas; and (8) Thrall Independent School District in Williamson County, Texas. The parties filed a Joint Submission on Agreed Terms (ECF No. 877) proposing terms that the Court incorporate in its interim remedy order for elections on November 8, 2016, but because the parties disagree about additional terms that should be included in the order, the Court has not yet entered an interim remedy order. As a result, the parties respectfully move the Court to enter a temporary

interim remedy for the tax ratification elections identified above. In support of this motion, the parties would show the following:

1. On July 20, 2016, the United States Court of Appeals for the Fifth Circuit affirmed this Court's finding that SB 14 results in a discriminatory effect under Section 2 of the Voting Rights Act. *Veasey v. Abbott*, No. 14-41127 (5th Cir. July 20, 2016) (en banc), slip op. 85. In its opinion, the Fifth Circuit explained:

On remand, the district court should refer to the policies underlying SB 14 in fashioning a remedy. We acknowledge that the record establishes that the vast majority of eligible voters possess SB 14 ID, and we do not disturb SB 14's effect on those voters—those who have SB 14 ID must show it to vote. The remedy must be tailored to rectify only the discriminatory effects on those voters who do not have SB 14 ID or are unable to reasonably obtain such identification.

Id. at 83. The Fifth Circuit remanded to this Court for consideration of an appropriate remedy, with instructions to “ensure that any remedy enacted ameliorates SB 14's discriminatory effect, while respecting the Legislature's stated objective to safeguard the integrity of elections by requiring more secure forms of voter identification.” *Id.*

2. On July 21, 2016, consistent with the Fifth Circuit's instructions, this Court entered an order (ECF No. 859) directing the parties to meet and confer and to submit proposed remedial plans including specific terms responsive to the Fifth Circuit's opinion. The Court's order set a hearing on August 17, 2016, to resolve any remaining differences between the parties regarding interim relief.

3. On July 22, 2016, the parties initiated the meet-and-confer process by conducting a conference call attended by counsel for the Plaintiffs, the United States, and the Defendants.

4. On July 26, 2016, the parties filed a Joint Motion to Expedite the Interim Remedy Schedule (ECF No. 868), requesting that the Court modify its previous order to require the parties to submit proposed plans for interim relief and supporting briefing by August 2, 2016, and to submit responses to proposed plans for interim relief on August 5, 2016. In its order granting the motion (ECF No. 869), the Court ordered the parties to file a joint plan including all agreed-upon terms and respective plans regarding all disputed terms, together with supporting briefs, by August 2, 2016; to file responses on August 5, 2016; and to appear for a hearing on August 10, 2016.

5. The parties have completed the meet and confer process regarding proposed interim relief. The parties filed a Joint Submission of Agreed Terms on August 3, 2016 (ECF No. 877). The Private Plaintiffs and Plaintiff-Intervenors and the Defendants filed separate briefs requesting that the Court include additional terms in the interim remedial order. *See* Submission of All Private Plaintiffs and Plaintiff-Intervenors of Additional Term (ECF No. 878); Defendants' Brief Regarding Proposed Interim Remedial Plan (ECF No. 879).

6. The Secretary of State's office has learned that the following school districts will conduct tax ratification elections on August 27, 2016, with early voting scheduled to begin on August 10, 2016: (1) Caldwell Independent School District in Burleson County, Texas; (2) Frisco Independent School District in Denton County, Texas; (3) Aubrey Independent School District in Denton County, Texas; (4) New Waverly Independent School District in Walker County, Texas; (5) Spurger Independent

School District in Tyler County, Texas; (6) Sherman Independent School District in Grayson County, Texas; (7) Mineral Wells Independent School District in Palo Pinto County, Texas; and (8) Thrall Independent School District in Williamson County, Texas.

7. The Secretary of State's office represents that it would be feasible, on court order, to implement the procedures described in paragraphs 1 through 9 of the Joint Submission of Agreed Terms (ECF No. 877) for the tax ratification elections identified above in time for the start of early voting on August 10, 2016.

8. On court order, the Secretary of State will provide the Reasonable Impediment Declaration form, attached as Exhibit A, to the school districts and/or county election officials with tax ratification elections on August 27, 2016, with early voting scheduled to begin on August 10, 2016. To the extent the Secretary of State learns that other tax ratification elections are scheduled for this timeframe, it will provide the Reasonable Impediment Declaration form to the appropriate school districts and/or county election officials.

9. In agreeing to this motion, the parties expressly reserve all of their rights to seek or oppose future orders of relief. The parties do not waive any arguments or forfeit their right to appellate review.

PRAYER FOR RELIEF

For the foregoing reasons, the parties respectfully move the Court to order that Defendants implement the procedures described in paragraphs 1 through 9 of the Joint Submission of Agreed Terms (ECF No. 877) and that the attached Reasonable

Impediment Declaration be made available at early voting locations and polling places to accommodate voters who cannot reasonably obtain an SB 14-compliant ID in time to vote in the Caldwell ISD, Frisco ISD, Aubrey ISD, New Waverly ISD, Spurger ISD, Sherman ISD, Mineral Wells ISD, and Thrall ISD tax ratification elections.

Date: August 9, 2016

Respectfully submitted.

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CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2016, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Angela V. Colmenero
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